

# **Exhibit 12**

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 CONTINUED

13 ORAL EXAMINATION OF DANIEL DERENDA

14 APPEARING REMOTELY FROM

15 BUFFALO, NEW YORK

16  
17 December 23rd, 2021

18 At 9:20 a.m.

19 Pursuant to notice  
20

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

**R E M O T E   A P P E A R A N C E S**

APPEARING FOR THE PLAINTIFFS:

**NATIONAL CENTER FOR LAW AND  
ECONOMIC JUSTICE**

**BY: CLAUDIA WILNER, ESQ.,**  
275 Seventh Avenue, Suite 1506  
New York, New York 10001  
(212) 633-6967

**CENTER FOR CONSTITUTIONAL RIGHTS**

**BY: A. CHINYERE EZIE, ESQ.**  
666 Broadway, 7th Floor  
New York, New York 10012  
(212) 614-6475

APPEARING FOR THE DEFENDANTS:

**CITY OF BUFFALO LAW  
DEPARTMENT**

**BY: ROBERT E. QUINN,**  
**ASSISTANT CORPORATION COUNSEL**  
1100 City Hall  
65 Niagara Square  
Buffalo, New York 14202  
(716) 851-4326

ALSO PRESENT:

**KARINA TEFFT, ESQ.,**  
**ANJANA MALHOTRA, ESQ.,**  
National Center for Law and Economic  
Justice

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1 MR. QUINN: Object to the form.

2 A. You're biased against a certain race because  
3 of their race.

4 Q. Do you see a difference between racial  
5 profiling and racial bias?

6 MR. QUINN: Form.

7 A. As far as racial bias or racial profiling,  
8 nobody should be pulled over because of their  
9 race or where they live or what type of car  
10 they're driving. It should be based on what  
11 they did or didn't do. If they didn't signal,  
12 if they ran a red light, that's when you pull  
13 somebody over. Race should have nothing about  
14 that whatsoever.

15 Q. If the officer had probable cause for a  
16 traffic stop can that stop be the result of  
17 racial profiling?

18 MR. QUINN: Object to the form.

19 A. I don't understand the question.

20 Q. The question is if the officer -- if an  
21 officer pulls somebody over and they had  
22 probable cause for the stop, does that mean  
23 that they could not have been engaging in

1 Q. Would it surprise you that Areas 2, 3, 5 and 6  
2 are all more than 90 percent black?

3 A. I don't know. Again, I don't know what areas  
4 you're speaking of.

5 Q. Maybe we should go back and look at these  
6 maps.

7 A. We can take your word for it.

8 Q. Okay. Does it surprise you that Areas 1 and 4  
9 are more than 80 percent black?

10 A. Certain areas have different demographics than  
11 others. It doesn't surprise me that an area  
12 would be 80 percent African-American or not.

13 Q. So you ordered more than 80 percent of  
14 checkpoints to take place in Areas 1  
15 through 9?

16 A. What I would order the Strike Force to be in a  
17 certain area and perform those checkpoints in  
18 that area is what they would usually do based  
19 on current events, based on crime trends,  
20 based on what was going on that particular  
21 moment in time.

22 Q. But the fact is that based -- the fact is that  
23 more than 80 percent of the time this was

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1 occurring in Areas 1 through 9 which are  
2 heavily majority black neighborhoods, right?

3 MR. QUINN: Form.

4 A. They were mostly assigned to areas where  
5 things were going on so, again, I can't speak  
6 to the demographics of the population but,  
7 again, wherever the crime was, whatever  
8 reason, crime pattern, whatever, whatever it  
9 was, whether it was a series of shootings or  
10 burglaries or what have you, that's where  
11 Strike Force was assigned for those reasons  
12 and they would predominantly do the  
13 checkpoints within those areas that they were  
14 assigned.

15 At times there would be other areas they  
16 would go do checkpoints, too, but I can't tell  
17 you exactly why they were in a specific area  
18 at a given point 10 years later.

19 Q. According to the numbers that are reflected on  
20 this chart, more than 60 percent of the  
21 checkpoints were just in Areas 1 through 4.

22 A. Then they were there for a reason.

23 Q. But you don't dispute that during this time

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1 A. At times they were, but they were very busy  
2 doing other things that required manpower.  
3 Again, they would direct traffic, block  
4 traffic for numerous events, as I said, and I  
5 keep highlighting the Key Bank Center where  
6 different festivals or whatever, whether it  
7 was Juneteenth Festival the Italian Festival,  
8 whatever it was. Traffic was always assigned  
9 out and around the perimeter to block traffic.

10 Q. Did you ever undertake a review of checkpoint  
11 locations and look specifically at the race of  
12 the neighborhoods where checkpoints were  
13 located?

14 A. We didn't consider the race of where the  
15 checkpoints were located. Again, they were  
16 put with the MRU -- not MRU -- the Strike  
17 Force based on what was going on and part of  
18 their function, as I said, were roadblocks.

19 Q. Here's another question. This is 22 from the  
20 afternoon of that event. Why are the police  
21 bent on intimidating black people? Are they  
22 screened for mental health before hiring to  
23 eliminate those with anger management problems

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary  
5 Public, in and for the County of Erie, State of  
6 New York, do hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken pursuant  
12 to notice at the time and place as herein set  
forth; that said testimony was taken down by me  
and thereafter transcribed into typewriting,  
and I hereby certify the foregoing testimony is  
a full, true and correct transcription of my  
shorthand notes so taken.

13 I further certify that I am neither counsel  
14 for nor related to any party to said action,  
15 nor in anyway interested in the outcome  
thereof.

16 IN WITNESS WHEREOF, I have hereunto  
17 subscribed my name and affixed my seal this  
18 8th of January, 2022.

19 

20 -----  
21 Rebecca Lynne DiBello, CSR, RPR  
22 Notary Public - State of New York  
23 No. 01D14897420  
Qualified in Erie County  
My commission expires 5/11/2023

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